INSTRUCTIONS FOR APPOINTMENT OF GUARDIAN OF ALLEGED INCOMPETENT

These instructions are intended as a guideline only and should not be relied upon as a comprehensive list of duties in a guardianship.

A person can apply to be Guardian of the Person, Estate or Person & Estate of an alleged incompetent when the applicant believes that an adult is incompetent as defined by statute.

A filing fee is required at the time of filing. Current Court Costs are posted at: https://www.probatect.org/about/general-resources.

Please confirm the amount with the Cashier since filing fees may have changed subsequent to the publication of this instruction sheet. **We accept cash, cashier's checks or all major credit/debit cards as payment for the fee. No personal checks or money orders will be accepted.**

The forms may be obtained from the Information Desk on the 9th floor of the Probate Court, 230 East 9th Street, Cincinnati, Ohio or by downloading the forms from the web site at www.probatect.org.

PROCEDURAL STEPS	WHEN TO FILE
STEP 1: COMPLETE THE FOLLOWING FORMS FOR THE INITIAL FILING	
Self-Representation Form (270.01) - Sign and Complete information if you **do not** have legal representation	At the time of initial filing
Application for Appointment of Guardian of Alleged Incompetent (17.0) - Complete information	At the time of initial filing
Next of Kin of Proposed Ward (15.0) - List all *next of kin* (those people who are closest blood relatives) of the alleged incompetent. - Be sure to specify *complete* addresses of all those listed. If the address is unknown, please state so.	At the time of initial filing
Judgment Entry Setting Hearing on Application for Appointment (15.01) - Fill in the name of the alleged incompetent only, the magistrate will fill in hearing date & time and sign & date the form.	At the time of initial filing
Waiver of Notice and Consent (15.1) - Have next of kin of the proposed ward execute form. - If unable to obtain all waivers, certified mail service must be completed on those that did not sign waivers (See form 16.4)	At the time of initial filing if signed by next of kin
Fiduciary's Acceptance (H.C. 15.2) - Complete name of proposed ward, sign and date. **Note: The Court will hold applicant responsible for the duties described on this form.**	At the time of initial filing

Authorization to Release Confidential Information (H.C. 15.11) - Complete form	At the time of initial filing
Affidavit of Guardian Applicant (H.C Form 27.13) - This is necessary for all guardianships. - Complete form. - Have form notarized.	At the time of initial filing
Statement of Expert Evaluation (H.C. 17.10) - Applicant must have a Licensed Physician or a Licensed Clinical Psychologist evaluate the alleged incompetent and complete the form. **Date of evaluation must have been within 3 months of filing of the application.**	At the time of initial filing
Notice to Prospective Ward of Application and Hearing (17.3) - Complete form. - Make certain that correct **daytime address** of the proposed ward is provided (e.g., school, workshop, hospital, etc.). - The Court will fill in hearing date & time and sign & date the form.	At the time of initial filing
Notice of Hearing for Appointment of Guardian of Alleged Incompetent (H.C. 17.4) - List next of kin of the alleged incompetent who have not waived notice (form 15.1). - Complete certified mail on each person listed. - Complete affidavit on *back* of form. - Present certified mail return (green card) from each individual who did not waive notice to the magistrate assigned to your case.	At the time of initial filing, if not obtaining waivers. The clerk will return the form to the applicant. The applicant will serve a copy of the form by certified mail on the next of kin. The original form will be presented to the magistrate on the day of the hearing.
Affidavit of Indigency and Entry Authorizing Payment (H.C. 117.0) - Filed when the alleged incompetent has no assets or the monthly income received does not exceed more than 125% of the Federal Poverty Schedule - Form is only accepted if applying for guardian of the person only.	
Guardianship Information (In Support of Application and Guardian's Report) (H.C. 117.01)	Please complete and file with the application and with Guardian's Report if applicable.
THE NEXT GROUP OF FORMS ARE NOT NEEDED AT THE INITIAL FILING.	
Guardian's Bond (15.3) - For Guardianship of the Estate of an proposed ward, the applicant is required to execute a bond. - Applicant must execute and date form. - **Bond must be executed by a surety company.** - The bond amount is twice the value of the proposed ward's personal property.	Once signed by the applicant, the bond form needs to be left with the court in order for the agent of the surety company to execute the bond in the presence of the clerk. May be left with the court anytime prior to the hearing.
Oath of Guardian (15.9) - Complete form, but do not sign. Oath must be executed in	Preferably at the time of initial filing. Otherwise, the day of hearing.

front of a magistrate.	
Letters of Guardianship (15.4) - Complete form. - The court clerk will sign and date, if guardianship is granted.	Preferably at the time of initial filing. Otherwise, the day of hearing.
Judgment Entry – Appointment of Guardian for Incompetent Person (H.C. 17.5) - Complete form. - The court will execute if the guardianship is granted.	Preferably at the time of initial filing. Otherwise, the day of hearing.
Application for Release of Funds to Custodial Depository in Lieu of Bond (H.C.204.05) - Complete form. - Filed when there is not an attorney and applicant does not want to obtain one. - Filed to dispense with requirement of joint control with an attorney, posting of a bond and filing of yearly accounts. - This program is restricted to accounts established at 5/3 Bank and US Bank.	Normally, the day of the hearing
Entry Releasing Funds to Custodial Depository in Lieu of Bond (H.C. 204.06) - Complete form. - Make sure you have obtained an account number from the bank.	Normally, the day of the hearing
Verification of Receipt and Deposit of Custodial Depository (H.C. 204.07) - A bank clerk completes form once the funds are in the account. - Normally the bank sends the form to the Court.	Filed by the bank, normally within 30 days from filing of Entry Releasing Funds to Custodial Depository
Guardian's Inventory (15.5) - If the guardianship is for the Estate or Person & Estate, the guardian must file an Inventory specifically listing the assets of the incompetent and the value of those assets.	3 months from date of appointment
Application and Order Authorizing Release of Funds (15.6) - To obtain the right for the guardian to release funds, complete form. - Specifically list the name of the financial institution, the type of account and the account number.	Anytime after the appointment has been granted
Application and Order Authorizing Expenditure of Funds (15.7) - If a Guardianship of the Estate is established, all expenditures made by the guardian have to be approved by the Court prior to the time the expenditures are made. - Complete form - List who is to be paid, purpose of the expenditure, and amount of expenditure.	Anytime after the **Guardian's Inventory** has been filed
Guardian's Account (H.C. 15.8) - **(Custodial Depository is not utilized)** - From the date of their appointment, the Guardian of the Estate is responsible for filing of an annual account. - Specifically list the assets of the ward that were listed on the Inventory (15.5) plus all income and disbursements.	Every year from date of appointment.
Entry Setting Hearing on Account (H.C. 213.8)	

- Fill in the name of the ward only, the Court will fill in hearing date & time and sign & date the form.	
Notice of Hearing on Account (H.C. 13.5) - When filing a ***final*** account, the guardian shall serve ordinary mail notice on all of the ward's next of kin, unless waivers (13.7) are obtained. - See Local Rule 64.1 (D).	
Waiver of Notice of Hearing on Account (H.C. 13.7) - If possible, have all next of kin execute form.	
Entry Approving and Settling Account (H.C. 13.3) - Complete form. - Present to an account clerk for further processing.	
Guardian's Report (17.7) - Guardian must complete form. - Make sure to complete the *front* and *back* of the form and to sign in the appropriate area.	Every two years from date of appointment
Statement of Expert Evaluation (In Support of Guardian's Report) (H.C. 17.15) - Guardian must have a Licensed Physician, Licensed Clinical Psychologist, Licensed Independent Clinical Social Worker, Licensed Professional Clinical Counselor *or* Developmental Disability Team evaluate the ward and complete the form. - The evaluation must be within three months of the date of this report. - This Evaluation (17.15) must be filed together with the Guardian's Report (17.7)	Filed with the Guardian's Report
STEP 2: ASSIGNING OF MAGISTRATE, REVIEWING OF FORMS, AND SETTING HEARING DATE.	
When all forms have been completed, present them to the magistrate's assistant at the information desk on the 9th Floor of Probate Court for a magistrate to be assigned. All forms are then taken to the available magistrate for review and setting of hearing. If you are unable to obtain waivers from the next of kin in Ohio, the hearing date may be continued for the certified mail service to be completed.	
STEP 3: FILING OF FORMS WITH CASHIER	
All forms are taken to the cashier who will assign a case number. At this time, the cashier will require the payment of the filing fee. If filing the Affidavit of Indigency and Entry Authorizing Payment (H.C. 117.0), it must be approved by the magistrate prior to taking the forms to the cashier. The cashier will stamp the case number on all the papers plus one set of copies, if provided, and clock in the original forms that can be docketed that day. After clocking in the forms, the cashier will place the forms in a file folder and give it to you to take to the Issue Desk. The clerk at the Issue Desk will return to you any notices that you are to serve.	
STEP 4: SERVICE OF NOTICE ON ALLEGED INCOMPETENT	
The Notice to Prospective Ward will be served by the court	

investigator at least eight days prior to the hearing date. Please make sure you let the Court know the **daytime address** of the alleged incompetent so proper service can be made on him or her. After the investigator completes service, he will complete an Investigator's Report regarding the alleged incompetent. The notice and investigator's report will be docketed and placed in the file folder for the magistrate to review.	
STEP 5: THE HEARING – WHAT TO EXPECT	
Uncontested Hearing – Person only	
At the date and time of the hearing, you (and your attorney, if attorney is obtained) should report to the 10th Floor of the Probate Court to the assigned magistrate. (The magistrate will already have the file with the forms you initially filed.) If you had to obtain waivers or serve notices of the hearing you will give them to the magistrate. The magistrate will conduct the hearing. If service has been completed and the magistrate finds a guardian should be appointed, a Decision of Magistrate and Entry Appointing Guardian will be signed. The magistrate will escort you to the Issue Desk and have the Letters of Guardianship issued.	
Uncontested Hearing – Person and Estate or Estate Only	
At the date and time of the hearing, you (and your attorney, if attorney is obtained) should report to the 10th Floor of the Probate Court to the assigned magistrate. (The magistrate will already have the file with the forms you initially filed.) If you had to obtain waivers or serve notices of the hearing you will give them to the magistrate. The Magistrate will conduct the hearing. If service has been completed and the Magistrate finds a guardian should be appointed, a Decision of Magistrate and Entry Appointing Guardian will be signed. The magistrate will escort you to the Issue Desk and have the Letters of Guardianship issued if: - Service on next of kin has been completed. - Bond has been executed by surety. - If presenting a bond, the Statement of Joint Control and Entry Appointing Co-Signer are also filed. If not posting bond, need Application and Entry for Custodial Depository (with account number).	
- Persons and Entities that have been excluded from Visitation and Communication With the Ward (H.C. 15.21).	
	This form is filed once Letters of Guardianship have been issued.

Ralph Winkler
JUDGE, PROBATE COURT
HAMILTON COUNTY, OH

A CITIZEN'S GUIDE TO COMMUNICATING WITH THE JUDGE AND MAGISTRATES

Why can't I communicate directly with the judge or magistrate on my case?

If the matters are contested, judges and magistrates are not allowed to communicate with individual parties. This is what the law calls an *ex-parte* communication (this is when a judge or magistrate only communicates with an individual party, on their own, without the knowledge of all parties to a case). In order to keep the court process as fair, equal and as transparent as possible, *ex-parte* communication is strictly forbidden. It is unfair for the court to share information without all of the parties present.

You cannot email the judge or magistrate, as the email is considered an *ex-parte* communication. In addition, emails are not pleadings (motions.) You cannot write a personal letter to the judge or magistrate as this may be considered an *ex-parte* communication.

How can I speak to the judge or magistrate on my case?

Typically, to speak to the judge or magistrate on your case, you must file a written motion with the court explaining what you want the court to do and all motions become part of the public record. You also have to send a copy of whatever you file to the other parties, or their attorney if they are represented by an attorney (this is called "service"). A motion is not considered an *ex-parte* communication because all parties are officially notified. You may be required to pay a filing fee when you file your written motion. Please note, there is no fee if you wish to speak to the magistrate in an uncontested matter, on their assigned walk-in days.

I've heard there's always a magistrate on duty to hear arguments immediately – what does that mean?

There is a magistrate on duty every business day. The on-duty magistrate may answer generic procedural questions. The on-duty magistrate may also discuss matters in an uncontested case. For all other matters, the on-duty magistrate is prohibited from speaking with you. To address the court for these matters, you must file a written motion. The on-duty magistrate will set the matter for hearing before the magistrate assigned on your case or the judge.

What if I need to tell the judge or magistrate something I don't want the other party to know about?

Unfortunately, you cannot withhold information from another party to your case. In order to keep the case fair to everyone involved, as soon as you tell the judge or magistrate something, you must also tell the other parties. All sides must have an opportunity to respond to the information that you have shared with the court.

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

IN THE MATTER OF: _____

CASE NO. _____

SELF-REPRESENTATION ACKNOWLEDGMENT

I acknowledge that I have read, understand and agree with all of the following statements:

1. The Court has recommended that I hire an attorney to represent me in this case. However, I have chosen to proceed with this case without the assistance of an attorney.

2. The Court and its Deputy Clerks are prohibited by law from providing legal advice. I will follow the instructions provided in the form packets and on the Court's website, www.probatect.org.

3. I am responsible for understanding and correctly applying any statutes, case law, rules, regulations, policies, and procedures that relate to this case, including, but not limited to, the Ohio Revised Code, Rules of Superintendence for the Courts of Ohio, Hamilton County Probate Court Local Rules of Practice, and the Ohio Rules of Civil Procedure.

4. The same standards that apply to attorneys and persons represented by attorneys in similar probate hearings will apply to myself.

5. If I do not fulfill my responsibilities in this case as required by law, I may be subject to sanctions or penalties as provided by law, which may include removal as fiduciary or being required to be represented by an attorney.

6. I may be personally liable to any person or entity that suffers damages as a result of anything I do or fail to do in this case that does not comply with the legal requirements.

_____
Fiduciary/Applicant/Guardian

_____
Typed Printed Name

_____
Address

_____
City/State/Zip

_____
Telephone Number (include area code)

_____
Email

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

GUARDIANSHIP OF _____

CASE NO. _____

APPLICATION FOR APPOINTMENT OF GUARDIAN OF ALLEGED INCOMPETENT

[R.C. 2111.03]

Applicant represents to the Court that _____,

resides or has a legal settlement at _____,

in Hamilton County, Ohio and that the prospective ward is incompetent by reason of [R.C.2111.01(D)]

_____

_____

The proposed ward's date of birth is: _____.

A Statement of Expert Evaluation is attached. (Form 17.1)

A list of Next of Kin of Proposed Ward is also attached. (Form 15.0)

The whole estate of said prospective ward is estimated as follows:

Personal property ..... $_____

Real estate ..... $_____

Annual rents ..... $_____

Other annual income ..... $_____

Applicant represents that the applicant is not an administrator, executor or other fiduciary of the estate wherein the alleged incompetent is interested.

Applicant offers the attached bond in the amount of $_____

Applicant further represents that a guardian of the alleged incompetent is necessary in order that ☐ the ward ☐ ward's property may be taken proper care of and asks that a guardian be appointed.

THE TYPE OF GUARDIANSHIP APPLIED FOR IS

☐ Non-limited ☐ Limited ☐ Person and Estate ☐ Estate Only ☐ Person Only

If limited guardianship is applied for, the limited powers requested are

_____

_____

CASE NO. _____

The time period requested is ☐ indefinite ☐ definite to _____

_____.

Applicant's relationship to alleged incompetent is _____

_____.

The Applicant has (not) been charged with or convicted of a crime involving theft, physical violence, or sexual, alcohol or substance abuse except as follows (if applicable, state date and place of each charge or each conviction.)

_____

_____.

☐ The Applicant represents that a guardian has been nominated in a writing pursuant to R.C. 1337.09(D) or R.C. 2111.121. The nominated person is_____.

☐ The nominated person's contact information is listed on Form 15.0 (Next of Kin).

☐ A copy of the document which nominates the guardian is attached.

☐ The Applicant represents that the proposed ward had military service.

Military I.D.:_____

Branch of service: _____

Dates of service: _____

☐ Applicant represents that the address provided is the applicant's permanent address and acknowledges the requirement that the court be notified of any change of address. Removal may result from a failure to comply with this requirement.

_____
Attorney for Applicant

_____
Type or Printed Name

_____
Address

_____
City, State, Zip Code

_____
Telephone Number (include area code)

Attorney Registration No._____

_____
Applicant

_____
Type or Printed Name

_____
Age

_____
Permanent Address

_____
City, State, Zip Code

_____
Telephone Number (include area code)

_____
E-mail Address

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

GUARDIANSHIP OF _____

CASE NO. _____

NEXT OF KIN OF PROPOSED WARD
(R.C. 2111.04)

(NOTE: Specify age and birthdate of each minor under 16 on the line containing the minor's name. List the name and address of the minor's parent, guardian or custodian on the name and address lines following the minor's address.)

Service Waived		Relationship	Birthdate Of Minor
1. ☐	Name _____	_____	_____
	Address _____		Zip _____
2. ☐	Name _____	_____	_____
	Address _____		Zip _____
3. ☐	Name _____	_____	_____
	Address _____		Zip _____
4. ☐	Name _____	_____	_____
	Address _____		Zip _____
5. ☐	Name _____	_____	_____
	Address _____		Zip _____
6. ☐	Name _____	_____	_____
	Address _____		Zip _____
7. ☐	Name _____	_____	_____
	Address _____		Zip _____
8. ☐	Name _____	_____	_____
	Address _____		Zip _____
9. ☐	Name _____	_____	_____
	Address _____		Zip _____
10. ☐	Name _____	_____	_____
	Address _____		Zip _____

_____ Date

_____ Applicant

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

GUARDIANSHIP OF _____

CASE NO. _____

JUDGMENT ENTRY
SETTING HEARING ON APPLICATION FOR APPOINTMENT OF GUARDIAN

This day _____ appeared in open Court, and filed an application for the appointment of (limited) guardian of the (person and estate) of _____. It is ordered that the _____ day of _____, _____ at _____ o'clock ___. M. in Room _____, be and is hereby fixed as the time of hearing said application before this Court. It is further ordered that written notice be served personally upon minors over fourteen years of age and in the manner as is provided by law upon all others entitled to receive the same.

_____ _____
Date Ralph Winkler, Probate Judge

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

GUARDIANSHIP OF _____

CASE NO. _____

WAIVER OF NOTICE AND CONSENT

We, the undersigned, do each of us hereby waive the issuing and service of notice, and voluntarily enter our appearance herein.

We do hereby consent to the appointment of _____ or some suitable person as guardian of _____

_____ _____

_____ _____

_____ _____

_____ _____

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

GUARDIANSHIP OF _____

CASE NO. _____

FIDUCIARY'S ACCEPTANCE
GUARDIAN
(R.C. 2111.14)

I, the undersigned, hereby accept the duties, which are required of me by law, and such additional duties as are ordered by the Court having jurisdiction.

AS GUARDIAN OF THE ESTATE, I WILL:

1. Make and file an inventory of the real and personal estate of the ward within 3 months after my appointment.
2. Deposit funds, which come into my hands in a lawful depository, located within this state.
3. Invest surplus funds in a lawful manner.
4. Make and file an account annually, or as directed by the Court.
5. File a final account within 30 days after the guardianship is terminated.
6. Inventory any safe deposit box of the ward.
7. Preserve any and all Wills of the Ward as directed by the Court.
8. Expend funds only upon written approval of the Court.
9. Make and file a guardian's report biennially, or as directed by the Court.

AS GUARDIAN OF THE PERSON, I WILL:

1. Protect and control the person of my ward, and make all decisions for the ward based upon the best interest of the ward.
2. Provide suitable maintenance for my ward when necessary.
3. Provide such maintenance and education for my ward as the amount of the estate justifies if the ward is a minor and has no parents, or has a parent who fails to maintain or educate the ward.
4. Make and file a guardian's report biennially, or as directed by the Court.
5. Obey all orders and judgments of the Court pertaining to the guardianship.
6. Obtain the written approval of the Court before executing a caretaker power of attorney authorized by R.C. 3109.52.
7. Cooperate with Court personnel who may conduct follow-up visits with my ward.
8. To encourage visitation and communication between the ward and the ward's family and friends, so long as such visitation and communication is in the best interest of the ward.

If I change my address or the ward's address, I shall immediately notify the Probate Court in writing.
I acknowledge that I am subject to removal as such fiduciary if I fail to perform such duties. I also acknowledge that I am subject to possible penalties for improper conversion of the property, which I hold as such fiduciary. I will be liable for costs associated with my failure to comply with these requirements

_____ _____
Date Fiduciary

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

GUARDIANSHIP OF _____

CASE NO. _____

GUARDIAN'S BOND

(R.C. 2109.04(A)(1))

Amount of this bond $ _____

The undersigned principal, and sureties if any, are obligated to the State of Ohio in the above amount, for payment of which we bind ourselves and our successors, heirs, executors, and administrators, jointly and severally.

The principal has accepted in writing the duties of fiduciary in ward's estate, including those imposed by law and such additional duties as may be required by the Court.

This obligation is void if the principal performs such duties as required.

This obligation remains in force if the principal fails to perform such duties, or performs them tardily, negligently, or improperly, or if the principal misuses or misappropriates estate assets or improperly converts them to the principal's own use or the use of another.

[Check if personal sureties are involved.] ☐ The sureties certify that each of them owns real estate in this county, with a reasonable net value as stated below.

_____ Date	_____ Principal
_____ Surety	_____ Surety
By: _____ Attorney in Fact	By: _____ Attorney in Fact
_____ Typed or Printed Name	_____ Typed or Printed Name
_____ Address	_____ Address
_____ City, State, Zip Code	_____ City, State, Zip Code
Net value of real estate owned in this county $ _____	Net value of real estate owned in this county $ _____

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

GUARDIANSHIP OF _____

CASE NO. _____

OATH OF GUARDIAN

(R.C. 2111.02(C))

(To be taken on Appointment of Guardian)

I, _____, Guardian of _____, will faithfully and completely fulfill my duties as Guardian, including the duty:

- ☐ To file, and continue to make diligent efforts to file, a true inventory in accordance with the Ohio Revised Code, and report all assets belonging to the estate of my ward.
- ☐ To file timely and accurate reports.
- ☐ To file timely and accurate accounts.
- ☐ To, at all times, protect my ward's interests and to make all decisions based on the best interest of my ward.
- ☐ To apply to the Court for authority to expend funds prior to so doing.
- ☐ To obey all orders and rules of this Court pertaining to guardianships.
- ☐ To file documentation of compliance with guardian education requirements.

_____
Guardian

The above oath was taken and signed in my presence on this _____ day of _____, _____.

_____
Ralph Winkler, Probate Judge/Magistrate

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

GUARDIANSHIP OF _____

CASE NO. _____

AUTHORIZATION TO RELEASE CONFIDENTIAL INFORMATION OF GUARDIAN/APPLICANT

Name _____
Last First Middle

Date of Birth _____ Social Security Number _____

I hereby authorize the release of all confidential records and information concerning me to any officer or agent of the Hamilton County Probate Court for the purpose of an investigation pertaining to a Guardianship.

_____
Guardian/Applicant

GUARDIAN ID NO. _____

COURT USE ONLY

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

GUARDIANSHIP OF _____

CASE NO. _____

STATE OF OHIO)
)
COUNTY OF HAMILTON) **SS:**

AFFIDAVIT OF GUARDIAN APPLICANT

I, _____ affirm the following:
(Name)

☐ I have no pending misdemeanor or felony cases and have not been convicted of or pleaded guilty to any misdemeanor or felony offense: **OR**

☐ I have pending misdemeanor or felony cases or have been convicted of or pleaded guilty TO A MISDEMEANOR OR FELONY OFFENSE. (List below any pending cases or convictions that have not been sealed pursuant to R.C. 2953.31-2953.62.)

DATE	TYPE OF CHARGE	COURT NAME	PENDING/CONVICTED/PLEADED GUILTY
_____	_____	_____	☐ Pending ☐ Convicted ☐ Pleaded Guilty
_____	_____	_____	☐ Pending ☐ Convicted ☐ Pleaded Guilty
_____	_____	_____	☐ Pending ☐ Convicted ☐ Pleaded Guilty
_____	_____	_____	☐ Pending ☐ Convicted ☐ Pleaded Guilty

I understand that I have a duty to notify the Hamilton County Probate Court within seventy-two hours if the information contained in this affidavit should change.

_____
Signature of Applicant

SWORN TO, BEFORE ME, and subscribed in my presence, on this _____ day of _____, _____.

_____
Notary Public / Deputy Clerk

_____
Printed Name of Notary Public

Commission Expiration Date: _____
(Affix seal here)

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

GUARDIANSHIP OF _____

CASE NO. _____

STATEMENT OF EXPERT EVALUATION

[This form may only be used for purposes of a Guardianship Application]

Definition of incompetent [O.R.C. 2111.01 (D)]: "An Incompetent means any person who is so mentally impaired as a result of a mental or physical illness or disability, or intellectual disability, or as a result of chronic substance abuse, that the person is incapable of taking proper care of the person's self or property or fails to provide for the person's family or other persons for whom the person is charged by law to provide, or any person confined to a correctional institution within this state."

The statement of evaluation does not declare the prospective ward competent or incompetent, but is evidence to be considered by the Court.

The fee for completing this evaluation WILL NOT be paid by the Court. Each evaluator should secure payment from the Applicant.

1. This statement of expert evaluation is for the Guardianship Application. (To be completed by a Licensed Physician, or Licensed Clinical Psychologist, and attached to the Application).

2. Statement completed by:
   Name: _____
   Address: _____
   Phone Number: _____
   Who is a: Licensed Physician ☐ Licensed Clinical Psychologist ☐

3. Date(s) of evaluation: _____
   Place(s) of evaluation: _____
   Time spent with ward: _____
   Length of time prospective ward has been your patient: _____

4. Is the prospective ward presently under medication? Yes ☐ No ☐ . If yes, what is the medication, dosage, and purpose? _____

_____

_____

Are there any signs of physical and/or mental impairments caused by the medications themselves?

_____

_____

5. During the examination did you note a disturbance of the prospective ward's:

	Yes	No
a) Orientation?	☐	☐
b) Speech?	☐	☐
c) Motor Behavior?	☐	☐
d) Thought Process?	☐	☐
e) Affect?	☐	☐
f) Memory?	☐	☐
g) Concentration and Comprehension?	☐	☐
h) Judgement?	☐	☐
I) Perception of Time and Place?	☐	☐

6. Please describe any abnormalities identified in question five. (Attach addenda if space is not adequate.) _____

_____

_____

_____

7. Is the prospective ward mentally impaired? Yes ☐ No ☐ . If yes, what is the cause?

_____

_____

_____

8. Is the prospective ward physically impaired? Yes ☐ No ☐. If yes, what is the cause?

_____

_____

9. Did you consult any collateral information in conjunction with your evaluation?
Yes ☐ No ☐ . If yes, explain: _____

_____

_____

10. Please give a summary of background/historical information obtained from the prospective ward and/or collateral source. _____

_____

_____

11. Could you determine the general level of intelligence and fund of knowledge of the prospective ward? Yes ☐ No ☐ . If yes, explain: _____

_____

_____

12. Do you believe this prospective ward in his/her present condition, is substantially capable of managing his/her finances and property? Yes ☐ No ☐ . If yes, explain: _____

_____

_____

13. Do you believe this prospective ward in his/her present condition, is substantially capable of caring for his/her activities of daily living or making decisions concerning medical treatments, living arrangements, and diet? Yes ☐ No ☐. If yes, explain: _____

_____

_____

14. Prognosis: _____

_____

In my opinion the application for guardianship:

☐ Should be granted. ☐ Should not be granted

CASE NO. _____

Additional Comments

_____

_____

_____

_____

_____

I certify that I have evaluated _____ for the purpose of guardianship.

_____ _____

Date of Evaluation Evaluator

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

GUARDIANSHIP OF _____

CASE NO. _____

NOTICE TO PROSPECTIVE WARD OF APPLICATION AND HEARING

To _____

Address _____

An application for appointment of _____ as (limited) guardian for your (person and estate) has been filed with the Probate Court.

A hearing on that application will be held on the _____ day of _____, _____, at _____ o'clock ___. M. at Hamilton County Probate Court, 230 E. Ninth Street, Room _____, Cincinnati, Ohio. At that hearing, Applicant must prove by clear and convincing evidence that, because of mental impairment, you are unable to handle your own affairs.

1. You have the right be present at the hearing to contest the application, and to be represented by an attorney of your choice;
2. The right to have a friend or family member of your choice present at the hearing;
3. The right to have evidence of an independent expert evaluation introduced at the hearing;
4. If you are indigent, upon your request, an attorney and an independent expert evaluator will be appointed at court expense;
5. If you are indigent, and you appeal the guardianship decision, you have the right to have an attorney appointed and necessary transcripts prepared at court expense.

Witness my signature and the seal of the Court,

this _____ day of _____, _____.

_____
Ralph Winkler, Probate Judge

(Seal)

By: _____
Deputy Clerk

CASE NO. _____

RETURN

_____ County, Ohio

_____, _____

Received this notice on the _____ day of _____, _____, and on the _____ day of _____, _____, I served the same by delivering a true copy thereof personally to _____.

I communicated with him/her in a language or method of communication understandable to the alleged incompetent.

_____
Investigator

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

GUARDIANSHIP OF _____

CASE NO. _____

NOTICE OF HEARING FOR APPOINTMENT OF GUARDIAN OF ALLEGED INCOMPETENT PERSON

To Spouse and Known Next of Kin
(R.C. 2111.04)

To _____

Address _____

To _____

Address _____

To _____

Address _____

next of kin of _____, known to reside in this state.

You are hereby notified that on the _____ day of _____, _____, _____ filed in the Court an application for the appointment of a (limited) guardian of the (person and estate) of _____, an alleged incompetent.

A hearing on that application will be held on the _____ day of _____, _____, at _____ o'clock ____. M. at Hamilton County Probate Court, 230 E. Ninth Street, Room _____, Cincinnati, Ohio.

Witness my signature and the seal of the Court,

this _____ day of _____, _____.

(Seal)

_____
Ralph Winkler, Probate Judge

By: _____
Deputy Clerk

CASE NO. _____

RETURN

_____ County, Ohio

_____,

Received this writ on the _____ day of _____, _____, at _____ o'clock ___.M., and on the _____ day of _____, _____, I served the same by (Insert, "delivering", "leaving" or "sending") _____ a true copy thereof (Insert, "personally to" , "at the usual place of residence", or "by certified mail to the last known address of")

_____

_____

_____

_____

_____

_____

_____

_____

_____

FEES

Service and return, 1st name, $ _____

_____ Additional names, at $ _____

_____ Miles traveled, at $ _____

_____

_____

Total $ _____

_____
Sheriff

_____
Deputy

AFFIDAVIT OF SERVICE

The State of Ohio, _____ County.

_____, being first duly sworn, says that on the

_____ day of _____, _____, the within notice was served delivering a true copy thereof personally to _____

_____

_____

_____

Sworn to before me and signed in my presence, this _____ day of _____, _____.

_____

_____

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

GUARDIANSHIP OF _____

CASE NO. _____

GUARDIANSHIP INFORMATION

The Applicant/Guardian hereby provides the Court with the following information:

RESIDENTIAL PROVIDER INFORMATION

Residential Provider:_____

Contact Name: _____

Phone Number (including area code): _____

Email: _____

HAMILTON COUNTY BOARD OF DEVELOPMENTAL DISABILITIES INFORMATION

SSA Name: _____

SSA Phone Number (including area code): _____

SSA Email:_____

DAY PROGRAM/WORKSHOP/COMMUNITY EMPLOYMENT INFORMATION

Program Name: _____

Contact Name: _____

Phone Number (including area code):_____

Address: _____

Days/Hours Attend: _____

_____
Applicant/Guardian

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

GUARDIANSHIP OF _____

CASE NO. _____

LETTERS OF GUARDIANSHIP
(R.C. 2111.02)

_____ is appointed Guardian of

_____, an ☐ Incompetent ☐ Minor.

Guardian's powers are:

All powers conferred by the laws of Ohio and rules of this Court over the ward's:

☐ Person and Estate ☐ Estate Only

Limited to_____

_____

_____

_____

Those guardianship powers, until revoked, are for an:

☐ Indefinite time period

☐ Definite time period to _____

The above-named Guardian has the power conferred by law to do and perform all the duties of Guardian as described. No expenditures shall be made without prior Court authorization.

_____ _____

Date Ralph Winkler, Probate Judge

NOTICE TO FINANCIAL INSTITUTIONS (ONLY FOR GUARDIANSHIPS OF THE ESTATE)
Funds being held in the name of the within-named Ward shall not be released to Guardian without a Court order directing release of a specific fund and amounts thereof.

CERTIFICATE OF APPOINTMENT AND INCUMBENCY

The above document is a true copy of the original kept by me as custodian of this Court. It constitutes the appointment and letters of authority of the named guardian, who is qualified and acting in such capacity.

_____
Ralph Winkler, Probate Judge
By: _____
Deputy Clerk

(Seal)

_____
Date

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

GUARDIANSHIP OF _____

CASE NO. _____

JUDGMENT ENTRY
APPOINTMENT OF GUARDIAN FOR INCOMPETENT PERSON

[R.C. 2111.02 and Sup. R. 66.04 and 66.06]

Upon hearing the application for appointment of guardian herein the Court finds that _____, the above-named Ward is incompetent by reason of _____ and therefore is incapable of taking proper care of _____ self and _____ property, and that a guardianship is necessary.

The Court further finds that all persons who were entitled to notice of the hearing thereon were given or waived notice thereof; that the incompetent is a resident of this county or has legal settlement herein; and that this Court has jurisdiction.

It is therefore ordered that a (limited) guardian of the (person and estate) be appointed.

The Court therefore appoints _____, a suitable and competent person, (limited) guardian of the (person and estate) of, _____, the above-named Ward, incompetent, with the powers conferred as described, and limited to those powers contained in the Letters of Guardianship issued by this Court. This appointment is in compliance with R.C. 2111.09.

☐ The Court approves/dispenses with the bond.

☐ The Court finds a record of the hearing was waived.

The Court orders Letters of Guardianship be issued to _____ as provided by law.

For good cause shown, the Court finds that the appointed Guardian (is/is not) exempt from the provisions of Sup. R. 66.01 et seq since (he/she) is related to the Ward.

The Court further ORDERS: _____

_____

_____ _____

Date Ralph Winkler, Probate Judge

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

GUARDIANSHIP OF _____

CASE NO. _____

PERSONS AND ENTITIES THAT HAVE BEEN EXCLUDED FROM VISITATION AND COMMUNICATION WITH THE WARD

(SUP. R. 66.09 (F)(2)(i)

Names of Individuals and Entities:	Reason:
_____	_____
	_____
_____	_____
	_____
_____	_____
	_____
_____	_____
	_____
_____	_____
	_____
_____	_____
	_____
_____	_____
	_____
_____	_____
	_____
_____	_____
	_____

_____ _____
Date Fiduciary

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

GUARDIANSHIP OF _____

CASE NO. _____

GUARDIAN'S INVENTORY

(R.C. 2111.14(A))

of the real and personal estate of the ward with its value and the value of the yearly rent of the estate

---

List any safety deposit box and date and location of any will. $

RECAPITULATION

Total value of Personal Estate	$_____
Total value of Real Estate	$_____
Yearly rent of Real Estate	$_____
Other annual income	$_____
Total	$_____

_____
Guardian

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

GUARDIANSHIP OF _____

CASE NO. _____

APPLICATION TO RELEASE FUNDS TO GUARDIAN

Now comes the guardian of the above-named ward and makes application for authority to secure the release of the following funds of the ward.

The applicant further states that it is for the best interest of the ward that this authority be granted.

_____
Guardian

ORDER AUTHORIZING RELEASE OF FUNDS

This _____ day of _____, _____, this cause came on to be heard upon the application of the guardian of the above-named ward and the evidence, and the Court being fully advised in the premises, hereby authorizes the release of the above funds to the guardian.

_____
Ralph Winkler, Probate Judge

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

GUARDIANSHIP OF _____

CASE NO. _____

APPLICATION FOR AUTHORITY TO EXPEND FUNDS

Now comes the undersigned, guardian of the estate of the above-named ☐ minor ☐ incompetent ward, and makes application for authority to expend funds for the best interest of the ward as follows:

[State amount requested, nature of expenditure, and the frequency and duration of authority requested. Attach additional explanation, documentation, or estimates as needed.]

_____
Guardian/Applicant

_____
Typed or printed name

_____
Street

_____
City, State, Zip Code

_____
Phone Number (include area code)

ORDER AUTHORIZING EXPENDITURE OF FUNDS

This _____ day of _____, _____, this cause came on to be heard upon the application of the guardian of the estate of the above-named ward and the evidence, and the Court being fully advised in the premises, hereby authorizes the guardian to expend funds as set forth in the Application.

_____
Ralph Winkler, Probate Judge

PROBATE COURT OF HAMILTON COUNTY
RALPH WINKLER, JUDGE

GUARDIANSHIP OF _____

CASE NO. _____

GUARDIAN'S ACCOUNT
(R.C. 2109.30)

_____ Account

From _____ To _____

Page _____ of _____ pages

Date	Description	Voucher No.	Receipts	Disbursements
	(Balance from previous account)		$	

CASE NO. _____

Page _____ of _____ pages

Date	Description	Voucher No.	Receipts	Disbursements

CASE NO. _____

RECAPITULATION

Total Receipts ……..... $_____

Total Disbursements ..... $_____

Balance Remaining ..... $_____

ITEMIZED STATEMENT OF ALL FUNDS, ASSETS AND INVESTMENTS

ITEM

$

_____
Attorney
Attorney Registration No. _____

_____
Guardian

_____
Typed or Printed Name

_____
Address of Guardian

_____
City, State, Zip Code

_____
Phone Number

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

TRUST OF
GUARDIANSHIP OF
ESTATE OF _____

CASE NO. _____

NOTICE OF HEARING ON ACCOUNT

To:

_____

_____

_____

You are hereby notified that a _____ account covering the period from _____ to _____ has been filed, and the hearing will be held on _____ at _____ o'clock ___ M. The Court is located at the William Howard Taft Center, 230 East Ninth Street, Ninth Floor, Cincinnati, Ohio 45202-2145.

You are required to examine the account, to inquire into the contents of the account, and into all matters that may come before the Court at the hearing on the account. **There is no requirement to appear for this hearing if you have no exceptions to the account.** Any exceptions to the account shall be filed in writing not less than five days prior to the hearing. Absent the filing of written exceptions, the account may be approved without further notice.

_____
Fiduciary/Attorney for Fiduciary

Attorney Registration No._____

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

TRUST OF
GUARDIANSHIP OF
ESTATE OF _____

CASE NO. _____

WAIVER OF NOTICE OF HEARING ON ACCOUNT

The undersigned, who are interested in the estate, waive notice of the hearing on the account.

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

TRUST OF
GUARDIANSHIP OF
ESTATE OF _____

CASE NO. _____

ENTRY SETTING HEARING ON ACCOUNT

The Court sets _____ at 9:00 o'clock A M. as the date and time for hearing on the current/final account in this matter. If notice is required, the Court orders that notice of the hearing on the account be given to all parties entitled to notice, who do not waive the same, at least fifteen (15) days prior to the date and time set for hearing.

_____ _____
Date Ralph Winkler, Probate Judge

_____
Attorney

Attorney Registration No. _____

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

IN RE: _____

CASE NO. _____

NOTICE OF RETRIEVING DOCUMENTATION FOR ACCOUNTS

Check the box indicating how the supporting documentation, copies and/or account forms left with the accounting department should be handled after the account is reviewed.

- ☐ Mail back documents in enclosed self-addressed stamped envelope. If no envelope – will be charged to mail back
- ☐ Place documents in the Attorney Mailbox (will pick up within 30 days).

  Mailbox No. _____
- ☐ Destroy documents (shred).

THESE ARE THE MOST COMMON REASONS FOR REJECTIONS SO PLEASE MAKE SURE THESE REQUIREMENTS HAVE BEEN COMPLETED
(If pertains to the type of Account being filed)

- ☐ Starting balance matches Inventory/most recent Partial/Current Account
- ☐ Original Signature on Account
- ☐ Total Receipts and Distributions balance
- ☐ Newly Discovered Asset (Form 106.11)
- ☐ Attorney Fees (Consents - Form 210.05 or Application and Entry with timesheets for fees over $2,000)
- ☐ Paid funeral bill

_____ _____

Signature Date

PROBATE COURT OF HAMILTON COUNTY, OHIO
RALPH WINKLER, JUDGE

MATTER OF _____

CASE NO. _____

ENTRY APPROVING AND SETTLING ACCOUNT

[R.C. 2109.32]

Upon hearing the account filed _____, the Court finds that:

[Check whichever of the following are applicable]

☐ The _____ partial account has been lawfully administered;

☐ The events have occurred after which the Court may approve and settle a final account.

☐ The events have occurred after which the Court may approve and settle a supplemental final account.

The account is therefore approved and settled.

[Check whichever of the following are applicable]

The fiduciary shall be discharged without further order of the Court twelve months following the approval of the final and distributive account unless discharged by this entry.

☐ The fiduciary is discharged herewith.

☐ The surety bond is terminated herewith.

☐ This is a final account of a (deceased) (removed) (resigned) fiduciary. The estate shall remain open.

☐ This is a final account of the guardianship for the estate only. This matter shall continue as a person only guardianship.

☐ This is a final account of a beneficiary of a trust. The trust estate shall remain open for other beneficiaries of the trust.

Name of Fiduciary: _____

_____ _____
Date Ralph Winkler, Probate Judge